ARTICLE I: IN GENERAL

Section

1-6-1 -1-6-15 Reserved

§§ 1-6-1 – 1-6-15. RESERVED.

ARTICLE II: BUILDING CODE

Section

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1-6-16
            Adopted
   1-6-17
            Revisions
   <u>1-6-18A</u> Local amendments to International Building Code
   1-6-18B
              Local amendments to International Residential Code
   1-6-19
            Severability
   1-6-20
            Civil building infractions
   1-6-21
            Penalties
   1-6-22
            Saving clause
Cross references:
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Adequate public facilities, see Chapter 1-20;
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Approval of building permits, see § 1-16-10;

Building permits, see § 2-4-1;

Department of Permits and Inspections, see §§ <u>1-2-49</u> et seq.;

Electricity, see <u>Chapter 1-7</u>;

Grading, erosion and sediment control, see Chapter 1-10;

Plumbing, see Chapter 1-14;

Storm water management, see Chapter 1-15.2;

Unsafe buildings, see §§ 2-4-16 et seq.;

Water, sewers and drains, see <u>Chapter 2-13</u>;

Zoning, see Chapter 1-19

■§ 1-6-16. ADOPTED.

The Board of County Commissioners hereby adopts the International Building Code, 2012 Edition and the International Residential Code, 2012 Edition, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described below in § 1-6-18A and § 1-6-18B.

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 89-15-546, 3-21-1989; Ord. 91-06-006, 4-16-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010)

凤§ 1-6-17. REVISIONS.

- (A) Substitute "Frederick County" for the phrase "Name of Jurisdiction" wherever it appears in the Building Code.
- (B) Substitute "Board of County Commissioners of Frederick County, Maryland" for phrases "appointing authority," "chief appointing authority," and "chief authority" wherever they appear in the Building Code.
- (C) Substitute "Director of the Frederick County Department of Permits and Inspections or Administrative Authority" for the term "building official" or "code official" wherever it appears in the Building Code.
- (D) Substitute "Department of Permits and Inspections" for the term "Department of Building Safety" wherever it appears in the Building Code.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 89-15-546, 3-21-1989; Ord. 02-06-302, 4-4-2002; Ord. 10-13-548, 6-8-2010)

📙 § 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.

The International Building Code, 2012 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below:

Subsection 101.2 is hereby amended by adding the following exception:

Exception 2: Agricultural Buildings. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An "agricultural building" for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code: "AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

Subsection 101.2.1, Appendices, is hereby amended with the addition of the following language:

Provisions in the appendices shall not apply unless specifically adopted. The following appendices are adopted in their entirety:

Appendix C, Group U, Agricultural Buildings

Appendix F, Rodent Proofing

Appendix G, Flood Resistant Construction

Appendix H, Signs

Appendix I, Patio Covers

Subsection 101.4.3 is hereby amended to read as follows:

101.4.3 Plumbing. The provisions of the Frederick County Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and as aspects of a medical gas system. The provisions of the Frederick County Plumbing Code shall apply to private sewage disposal systems.

Subsection 101.4.7 is hereby added to read as follows:

101.4.7 Electrical. The provisions of the Frederick County Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Subsection 105.2 is hereby modified to read as follows:

105.2 Work exempt from permit.

Building:

- 1. One-story detached accessory structures with eave heights less than 10 feet, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 150 square feet.
 - 2. Fences delete "not over 7 feet high".

[Items 3 - 13 unchanged]

Subsection 105.3.1 is hereby amended to read as follows:

105.3.1 Action on application. The administrative authority shall examine or cause to be examined applications for permits and revisions thereto within a reasonable time after filing by routing the application to appropriate agencies and departments for their review. If the application or the construction documents do not conform to the requirements of pertinent laws, the administrative authority shall reject such application in writing, stating the reasons therefore. If the building official and the reviewing agencies and departments are satisfied that the proposed work conforms to the requirements of this code, laws and ordinances applicable thereto, the administrative authority shall issue a permit therefore as soon as practicable.

Subsection 105.3.2 is hereby amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the administrative authority is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subsection 105.5 is hereby amended to read as follows:

Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the administrative authority approval of the first required building inspection. The extensions shall be requested in writing and justifiable cause demonstrated.

Subsection 108.1 is hereby amended to read as follows:

108.1 General. The administrative authority is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 1 year.

Subsection 111.2 is hereby deleted in its entirety and replaced with the following:

111.2 Certificate issued. When a structure is entitled thereto, the administrative authority shall issue a certificate of occupancy upon completion of the final inspections in accordance with Section 110.3.10, correction of the violations and discrepancies, and approval for occupancy is given from the departments and agencies that gave approvals for the issuance of the zoning certificate/building permit.

Subsection 112.4 is hereby added to read as follows:

112.4 Service connections. Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections to the structure such as water, electric, gas, sewer and other connections.

Subsection 112.5 is hereby added to read as follows:

112.5 Notice to adjoining owners. Written notice shall be given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, prior to the removal of a building or structure.

Subsection 113.4 is hereby created to read as following:

113.4 Appeals. Any party aggrieved by a decision of the Board of Appeals shall have the right to appeal an adverse decision to the Board of County Commissioners.

Subsection 308. 6.1, Child care facility - The exception is hereby deleted and replaced with the following:

Exception: A child day care facility that provides for more than five but no more than 49 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of the exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Delete Section 501.2 Address Identification in its entirety.

Subsection 507.3, Sprinklered, one story, is hereby amended to read as follows:

The area of a one-story, Group B, F, M, or S building, of Type I or II construction, shall not be limited when the building is provided with automatic sprinkler systems throughout in

accordance with Section 903.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet in width. (Note: Exceptions for Section 507.3 are unchanged from the IBC).

Subsection 708.1, General, is hereby amended to read as follows:

6. Walls separating other tenant spaces shall be constructed at a minimum as fire partitions in accordance with Section 708. Exception: In fully sprinklered buildings, openings in corridor walls are not required to be protected.

Subsection 903.2.9, Group S-1, is hereby amended by adding a new subparagraph as follows:

6. Throughout all mini storage buildings with fire areas greater than 2500 square feet in area.

Subsection 903.4.3, Floor control valves, is hereby amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi- story buildings. Each floor of a building shall be zoned separately with maximum zone sizes in accordance with the provisions of NFPA #13. Fire alarm zones shall coincide with sprinkler system zones.

Subsection 905.2, Installation standards, is hereby amended to add two exceptions as follows:

Exceptions:

- (1) The residual pressure requirements from an automatic water supply are not required in buildings equipped throughout with an approved automatic sprinkler system and where the highest floor level is not more than 75 feet above the lowest level of the Fire Department access. Pipe sizes shall be hydraulically calculated based on maintaining a residual pressure of 100 psi flowing 500 gpm at the hydraulically most remote hose outlet based on a pressure of 150 psi available at the Fire Department connection. An additional 250 gpm shall be added at the point of connection for each additional riser up to a maximum of 1250 gpm. The minimum riser pipe size shall be 4" nominal diameter.
- (2) All Class I standpipes shall have a minimum size hose connection of $2\frac{1}{2}$ " and shall be equipped with a $1\frac{1}{2}$ " reducing adapter.

Subsection 905.4, Location of Class I standpipe hose – connection, is hereby amended and modified to read as follows:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at the level of stair entry.

Subsection 907.6.3 is hereby amended to read as follows:

907.6.3 Zones. Each floor shall be zoned separately. Where the building is not protected throughout by an automatic sprinkler system in accordance with Section 903, a zone shall not

exceed 22,500 square feet (2090 m^2) and the length of any zone shall not exceed 300 feet (91440 mm) in any direction. Where the building is protected by an automatic sprinkler system in accordance with Section 903, the area of the fire alarm zone shall coincide with the area of the sprinkler system.

Delete exception.

Subsection 1008.1.9.3, Locks and latches - subparagraph 2 is hereby amended as follows:

- 2. In buildings in Occupancy Group A having an occupant load of 99 or less, Groups B, F, M and S, and in places of religious worship, the main exterior door or doors are permitted to be equipped with locks from the egress side provided:
- 2.1. The locks, if provided, shall not require the use of a key, a tool, special knowledge, or effort for operation from the egress side.
 - 2.2 [deleted]
 - 2.3 [deleted]

Subsection 1027.4.2, Constructions and openings, is hereby deleted and replaced with the following:

Where an egress court serving a building or portion thereof is less than 10 feet (3048 mm) in width, all egress court enclosure walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet (3048 mm) above the floor of the court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

(Exceptions 1. and 2. remain unchanged.)

Subsection 1028.2, Assembly main exit is hereby deleted and replaced with the following:

Group A occupancies consisting of bars with live entertainment, dance halls, discotheques, nightclubs, and assembly occupancies with festival seating, that have an occupancy load of greater than 50 shall be provided with a main exit. The main exit shall be of sufficient width to accommodate not less than two thirds (2/3) of the occupant load, but such width shall not be less than the total required width of all means of egress leading to the exit. In assembly occupancies, other than those listed above, the main entrance/exit shall be a width that accommodates one-half of the total occupant load. Where the building is classified as a Group A occupancy, the main exit shall front on at least one street or an unoccupied space of not less than 10 feet (3048 mm) in width that adjoins a street or public way. (The exception remains unchanged)

Chapter 11. Accessibility. The provisions of IBC Chapter 11 shall apply to all matters affecting the design and construction of facilities for accessibility to physically disabled persons except where the provisions of COMAR Section 05.02.02, the Maryland Accessibility Code, are more stringent in which case they shall apply.

Subsection 1608.2 is hereby amended by adding the following:

1608.2 ... The design roof load of any roof shall be thirty (30) PSF or greater for ground snow load except as required by Figure 1608.2

Subsection 1809.5, Frost protection - Exception 2, is hereby amended as follows:

2. Area of 400 square feet or less; and

Chapters 27, 29 and 30 of the International Building Code, 2012 Edition are hereby deleted in their entireties.

Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code (Chapter 1-7, Article III of the Frederick County Code).

The provisions of the International Plumbing Code, as adopted by Frederick County (Chapter 1-14, Article IV of the Frederick County Code), shall govern the erection, installation, alteration, repairs, relocation, replacement addition to, use or maintenance of plumbing equipment and systems.

Subsection 3107.0 is hereby adopted to read as follows:

3107.0 Signs. All signs shall comply with the requirements of the Frederick County Zoning Ordinance.

Subsection 3401.1 is hereby deleted in its entirety.

The alteration, repair, addition and change of occupancy of existing structures in Frederick County shall be governed by the Maryland Building Rehabilitation Code (International Existing Building Code), adopted under the authority of the State of Maryland, Department of Housing and Community Development, Article 83B, subsection 6-503, Annotated Code of Maryland (COMAR 05.16).

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 85-43-375, 11-26-1985; Ord. 87-23-455, 8-4-1987; Ord. 89-15-546, 3-21-1989; Ord. 91-06-006, 4-16-1991; Ord. 91-19-019, 8-8-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010)

■§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The Board of County Commissioners hereby adopts the International Residential Code, 2012 Edition including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) with the amendments described and shown below.

Subsection R102.7.1 is hereby deleted in its entirety and replaced with the following:

The alteration, repair, addition and change of occupancy of existing structures in Frederick County shall be governed by the Maryland Building Rehabilitation Code (International Existing Building Code) adopted under the authority of the State of Maryland, Department of Housing and Community Development, Article 83B, subsection 6-503, Annotated Code of Maryland (COMAR 05.16)

Subsection R105.2, Work exempt from permit - Building - Subparagraph 1 is hereby deleted and replaced with the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet.

Subsection R105.2, Work exempt from a permit - Building Subparagraph 10 is amended as follows:

Replace 200 sq. ft. with 150 sq. ft.

Subsection R105.2 is hereby amended to add the following:

R105.2 (11) Agricultural Buildings. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An "agricultural building" for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code: "AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

Subsection R105.2 Electrical Subsection Exemption #4 is deleted in its entirety.

Subsection R105.3.1.1 is hereby deleted in its entirety.

Subsection R105.5 - Expiration, is hereby deleted and replaced with the following:

R105.5 Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the building official's approval of the first required building inspection. The extension shall be requested in writing and justifiable cause demonstrated.

IRC Chapter 2. Definitions

The following new definition is hereby added:

Mobile home. A transportable structure built prior to June 15, 1976, otherwise meeting the same dimensional limits as used to describe a manufactured home.

The definition of manufactured home is hereby modified by adding the following language to the end of the definition:

All manufactured/mobile homes designed and built solely for residential purposes or human habitation must bear a HUD label certifying compliance with the federal standards. Non-labeled manufactured homes and mobile homes shall be prohibited from being relocated into Frederick County.

Table R301.2(1) is to be filled in as follows:

Ground Snow Load (pounds per square foot) = 30 psf except as required by Figure R301.2 (5)

Wind Speed 90 (MPH)

Topographic Effects = No

Seismic Design Category = B

Subject to damage from

Weathering = Severe

Frost Line Depth = 30 inches

Termite = Yes (moderate/heavy)

Winter Design Temp. = 12 deg. F

Table R301.2(1) is hereby modified by the addition of the following:

Ice shield underlayment requirement = Yes

Flood hazard = As determined by Division of Planning and Zoning

Air freezing index = Greater than 1,500

Mean annual temperature = 52 degrees Fahrenheit

Section R313 is hereby deleted in its entirety and replaced with the following:

Section R313 Approved Automatic Sprinkler Systems in accordance with NFPA #13D shall be provided throughout all residential occupancies as required by the Frederick County Sprinkler Ordinance (No. 06-26-422).

Section R319 is hereby deleted in its entirety and replaced with the following:

Section R319 Site Address and Premises Identification shall be in accordance with the Frederick County Address Ordinance No. 05-01-362.

Subsection R403.1.4.1, Frost Protection - The exceptions are deleted and amended to read as follows:

- 1. Freestanding accessory storage structures with an area of at least 150 square feet but less than 401 square feet, and an eave height of not more than 10 feet (3048 mm) shall not be required to be protected, but structures that are less than 401 square feet must be provided with a minimum of 4 permanent tie-downs that are designed to withstand the applicable wind load requirements according to the adopted building code.
- 2. Decks not supported by a dwelling will require footings according to the building code unless joist members are in direct contact with the earth.
- 3. Structures with an area 401 square feet or more will require permanent footings and/or foundations according to the applicable sections of the building code.

Subsection R405.1, Concrete or masonry foundation - The following language shall be added to the end of the exception:

Or as otherwise approved in accordance with the Catoctin and Frederick Soil Conservation District Maps (issued May 2001, as amended).

R807.1 Attic Access is hereby amended to add the following:

Where air-handling units or water heaters are installed in attics in residential structures, access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction.

IRC Chapter 11 is hereby deleted in its entirety. The provisions of the International Energy Conservation Code 2012, shall govern the design and construction of buildings in regard to energy efficiency.

IRC Chapters 12 - 23 are hereby deleted in their entirety. Regulation of the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within the building shall be installed according to the International Mechanical Code 2012 or the Mechanical Code adopted pursuant to the provisions of Md. Code Ann., Business Regulations Article, § 9A-205.

IRC Chapter 24 is hereby deleted in its entirety. The provisions of the International Fuel Gas Code 2012, shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas equipment and systems.

IRC Chapters 25 - 33 are hereby deleted in their entirety. The provisions of the International Plumbing Code, as adopted by Frederick County, shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems.

IRC Chapters 34 - 43 are hereby deleted in their entirety. Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code.

IRC Chapter 44 - Standards listed in this chapter shall be considered part of the requirements of this code. Where differences occur between provisions of this code and the referenced standard, the provisions of this code shall apply.

IRC Appendix E -Manufactured housing used as dwelling, is hereby adopted with the following amendments:

The definition of manufactured home in Appendix E, AE201 is hereby deleted and replaced with definition of manufactured home in IRC Chapter 2.

Sections AE302, AE303, AE304 are hereby deleted in their entirety and Chapter 1, Administration, as adopted by Frederick County shall govern applications for permits, permit issuance, and fees.

IRC Appendix F, Radon control methods, is hereby adopted, with the following amendments:

Addition of the following exception:

Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed, or that are passively ventilated in accordance with section R408.2 of this code.

Sections AF103.5.3 and AF103.6.1 are hereby amended to add the following text:

Vent pipe must extend vertically straight through the roof for passive sub-membrane depressurization systems.

Exception: No single offset shall exceed 45 degrees to jog the vent pipe around an obstacle.

IRC Appendix G, Swimming pools, spas and hot tubs, is hereby adopted in its entirety.

IRC Appendix H - Patio covers, is hereby adopted in its entirety.

IRC Appendix K - Sound transmission, is hereby adopted in its entirety.

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 85-43-375, 11-26-1985; Ord. 87-23-455, 8-4-1987; Ord. 89-15-546, 3-21-1989; Ord. 91-06-006, 4-16-1991; Ord. 91-19-019, 8-8-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010)

■§ 1-6-19. SEVERABILITY.

If any clauses, sentences, paragraphs or other parts of the code, or this article or the application thereof to any person or circumstance, shall for any reason, be judged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the code or this article, and that application thereof to any persons or circumstances, which shall be confined in its operation to the clauses, sentences, paragraphs or parts thereof directly involved in the controversy in which the judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that the code and this article would have been adopted had such invalid provisions not been included.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 10-13-548, 6-8-2010)

■§ 1-6-20. CIVIL BUILDING INFRACTIONS.

- (A) Pursuant to § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-6, entitled "Buildings," is a civil infraction and shall be called a civil building infraction. If, after investigation, a civil building infraction is believed to exist, the Frederick County Division Director of Permitting and Development Review ("Director") or authorized agent shall deliver a citation or warning to the property owner and any others responsible for the infraction. If the Director or authorized agent is unable to locate the owner or other responsible person, the Director or authorized agent may post the citation or warning in a conspicuous place on the property and mail a copy of same to the owner or other responsible person, which shall be sufficient for delivery of the warning or citation under this section.
- (B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged or warned;
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount or potential amount of the fine assessed;
- (6) The manner, location and time in which the fine may be paid, or violation corrected, if applicable;
 - (7) The person's right to stand trial for the violation if applicable;
- (8) A certification by the Director or authorized agent attesting to the truth of the matters set forth.
- (C) Whenever an alleged or possible civil building infraction comes to the attention of the Director or administrative authority, the following procedures shall apply:
- (1) The Director or administrative authority will investigate whether a violation has occurred;
- (2) If the Director or administrative authority finds that a violation has occurred, a warning will be issued to the person(s) responsible in the form and manner as outlined in this section, with reasonable time stated to abate or to prevent future infractions;
- (3) If the infraction continues or is allowed to occur after the reasonable time stated, the Director or administrative authority will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the Director or administrative authority may issue a citation at step (2) without the prior issuance of a warning.
- (D) A fine of \$200 shall be imposed upon any person responsible for each civil building infraction. Each day such violation exists shall be considered a separate civil building infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the Community Development Division.
- (E) A person who receives a citation may elect to stand trial for the offense by filing with the Director or administrative authority a notice of intention to stand trial. The notice shall be delivered to the Director or administrative authority at least 10 days before the due date for payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director or administrative authority shall forward to the District Court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the

trial date. All fines, penalties, or forfeitures collected by the district court for any civil building infractions shall be remitted to the Treasurer of Frederick County, Maryland.

- (F) If a person who receives a citation for a civil building infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial at least 10 days prior to the payment date, a formal notice of the civil building infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date specified on the notice, the person shall be liable for a fine of \$400 for each infraction. If the citation is not satisfied within 35 days of the date specified on the formal notice, the Director or administrative authority may request adjudication of the case through the district court by following appropriate civil procedures.
- (G) Adjudication of a civil building infraction under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- (H) In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code, Art. 23A, § 3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute all civil building infractions under this section.
- (I) If a person is found by the district court to have committed a civil building infraction, that person shall be liable for the costs of the proceedings in the district court.
- (J) Depending on the circumstances of each case and after consultation with the County Attorney, the Director or administrative authority has the discretionary authority to reduce or suspend all or a portion of the fine(s) payable through the Permits and Inspections office.
- (K) Nothing contained in this section shall prohibit or prevent the Director or administrative authority from seeking other legal remedies, such as injunctions or criminal prosecution.
- (L) Provisions of this section are in addition to, not in lieu of, those penalties specified in other sections of this chapter, specifically $\S 1-6-21$.
- (M) The fines specified in this section can be modified at any time by resolution of the Board of County Commissioners of Frederick County, after a duly advertised public hearing.

(Ord. 99-10-237, 6-29-1999; Ord. 10-13-548, 6-8-2010)

№ 1-6-21. PENALTIES.

Any person, partnership, firm or corporation who directs or knowingly permits any violation of any of the provisions of this article, or any rule or regulation duly promulgated hereunder or who aids or assists therein, either on its own behalf or in the interest of its employer or principal shall, upon conviction thereof by a court of competent jurisdiction be guilty of a misdemeanor

punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both, for each separate offense. Every day each violation exists shall constitute a separate offense and be punishable as such.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 10-13-548, 6-8-2010)

№ 1-6-22. SAVING CLAUSE.

Nothing in this article shall be construed or held to affect or control any violation of the sections of the Frederick County Code which occurred prior to the enactment of this amending ordinance (Ordinance 89-15-546), or the prosecution of any violation of the previous sections but each violation and prosecution shall be governed by the provisions of the Building Code as it read and was in effect at the time the violation occurred.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 89-15-546, 3-12-1989; Ord. 91-06-006, 4-16-1991; Ord. 10-13-548, 6-8-2010)

§§ 1-6-23 — 1-6-30. RESERVED.